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ABSTRACT

The issues of ethics in the university and the role of higher education in society are addressed. Distinctions are made between legal behavior and ethical behavior, and the question of how the university needs to balance the two in order to fulfill its unique role in society while it simultaneously strives to reside and survive within it is discussed. Certain university activities can create problems in ethics, such as economic development activities, intercollegiate athletics, sponsored research, faculty consulting arrangements, and presidential and trustee service on corporate and bank boards. In addition, higher education faces a growing number of new ethical problems simply because of the steady increase in science and technology, raising such issues as the creation of computer viruses, privacy of computer-stored information, and liability for malfunctions in computer programs. How a university governs its own affairs and how its own incentives, traditions, and reward system often inspire unethical behavior are problems for which the university is solely accountable. Such problems arise because universities only use one model of excellence as a standard, that of the major research university. The model frustrates faculty who are not well funded, unreasonably heightens competition, and unnecessarily creates a large, sometimes insatiable, appetite for more funding. (GLR)

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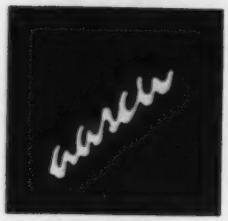

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Ethics in the University

a speech presented at the
AARC Summer 1990 Meeting

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"Ethics" threatens to replace "assessment" as the password for those who want to participate in the national dialogue on higher education—a dialogue whose ground rules for relevance shift about every half decade. One would be hard put to establish a cause for this particular shift. Perhaps it is an instinctive rush to be cleansed, our having emerged from the decade of the 1980s, and having tacitly accepted its values. Or it might be that the current focus on ethics is the end product of a long process marking higher education's fall from public esteem in this country. Whatever the case, university ethics is a topic critical to understanding higher education's role in society.

As a sometime political scientist, I should establish that there are two perspectives involved in the process of analyzing ethical problems. The first is that of the philosopher or ethicist. He or she begins with laborious definitions of abstract principles, concepts, and values—definitions developed by decades, generations, or centuries of scholarly dialogue—and then construes what is good or just according to those definitions.

Second is the perspective of the jurist. He or she begins with a statement of desirable but largely undefined principles and values and then, in the process of construing acts, gradually incorporates that construction into the definition of the principles or values. Obvious examples would be the manner in which the definition of First Amendment principles evolves through legal precedent or, similarly, the gradual incorporation of First Amendment rights into the definitions of "due process" and "equal protection."

The first of these models deals in absolutes; the second derives meaning from context. The first is abstract, the second concrete.

The administrator needs to understand the differences in these two perspectives and to know that what is legal—that is, behavior governed by practical constraints to allow human institutions to function in society—may not necessarily be ethical or congruent with philosophical standards of right.

In our society, legality is a matter of explicit social control and reflects the dominant norms of society. It is not discretionary. Ethical behavior beyond the narrow requirements of legality may be discretionary and may even require behavior at odds with dominant cultural norms.

The interplay of these two perspectives has consequences for those decision makers who ultimately are accountable to society for what goes on at colleges and universities. The requirement for *legal behavior* recognizes that the university is immersed in a society and subject to its rules, which are enforced by persons external to the academy. The need for *ethical behavior*, however, may require that the university stand apart from, or above, its supporting society, especially because the academy is subjected to more rigorous and demanding standards than are its colleagues in politics, business, or even law and medicine.

A fundamental problem for those who administer and speak for universities is that the academy is an open system of human behavior and has highly permeable boundaries. It is also consciously and defiantly decentralized. There are hundreds of points of contact with the larger society. Each set of relationships at the university's boundaries operates with a high degree of independence, and each constitutes a normative mirror, reflecting back on the university the peculiarities of some other subculture.

For example, the interactions of athletics directors, coaches, and sports publicists with boosters, fan clubs, news and entertainment media and their advertisers, not to mention high school coaches (some of whom may seek to market their premier stock for personal gain), become over time an institutionalized behavioral system with its own values and norms, more in tune with the aims of business, entertainment, and the media than with those of academe. The participants in such a subsystem feed off one another. The college sports product needs to be marketed in order to pay its way, but also serves as a vehicle to market the name of the university. But the media also need college sports to sell their products and to attract advertising. Enormous profits are made from the business of selling amateur college sports. The jobs at stake are at least as numerous off campus as on.

College athletics is not the only example, of course. Those other hundreds of points of contact take on similar characteristics and function with similar degrees of independence. Through the operations of these subsystems, the university gets drawn into symbiotic relationships with often powerful forces in society whose standards of ethics might differ from its own. The entrepreneurial and self-aggrandizing talents that energize both business and

politics, for example, are inappropriate and disruptive in the academic culture. What satisfies modern news media as informative or analytical is superficial and suspect when part of academic dialogue. The entertainment industry's need to pander to the lowest common denominator of taste is anathema to the academic world, where intellectual rigor still enjoys more currency than does amusement. Ideally, what passes as ethical behavior in business, politics, media, and entertainment, therefore, should not always pass muster in higher education.

But the concept of the cloistered university is antiquated. American universities function in a competitive, capitalist world, in which television now dominates the public consciousness. Television both shapes and reflects public tastes and attitudes. As a result, our intellectual and political cultures are more populist than many of us realize, and those in government and academia who once led the public, and who helped define such matters as public purpose and academic integrity, now obsequiously link institutional missions or political philosophies to whatever items are selling this year at the Vox Populi Emporium. One result is that the academic fraternity no longer enjoys the prerogative of defining quality or success within its ranks. That is done for us by superficial and silly popular rankings, such as what appears annually in *U.S. News and World Report*. The general public reads, hears, and learns of colleges and universities through such channels, and through intercollegiate athletic spectacles. At the same time, specialized publics at those hundreds of points of contact develop a keen knowledge of university operations useful to them, and impose their values and ethics on the academy through their regular relationships with it.

Universities strive for quality but trade on reputation. Only a few institutions of long-standing academic prestige (essentially those now under the gun for alleged restraint of trade and price fixing) are so secure in their reputations that they captain their own ships. Others must seek notoriety through success at popular activities that have little to do with the central purpose of a university. This is the avenue by which they earn the right to be considered significant and worthy of attention in the contemporary American culture. An ethical lapse here and there might be the price they pay for an audience to whom to communicate their claim of substantial academic reputation. The problem is especially acute for

public universities because in this country there is a perverse and outdated notion, more pronounced in some parts of the country than others, that private colleges are by their nature "better" than public colleges, especially if the latter have compass directions attached to their names.

There are two dominant compensatory activities in which colleges and universities engage. Nearly all public universities and colleges have become extensively involved in economic development activities, motivated at least in part to prove their usefulness according to external criteria. And even the major public universities—or *especially* they—have reached the point of no return in their involvement in intercollegiate athletics as a major profit center in society. It is probable that in both economic development and intercollegiate athletics colleges and universities face unending ethical riddles as they strive for success and high profile in games ruled by the norms of trade and hype.

Education, like religion, is expected to be a noncapitalist conscience in a capitalist society. In the more pristine context, that was possible. But today the pervasive influence of television as the medium of popular communication, and as the modern nerve center of business and political activity, attenuates the influence of the more detached institutions, pulls them into the maelstrom to ensure their own acceptance and survival, and begins to erode their once granite ethical standards. In a religious metaphor, where higher education once played the role of the Episcopal bishop in society, it now is the televangelist. One struggles to imagine a more profound fall from grace.

Modern university presidents and chancellors must promote their institution or system in a society that higher education serves but does not shape; in a culture that more and more disregards the *intrinsic* value of a college, but judges its social utility; in a context in which the continuing moral strictures of the past conflict with new demands for economic and social involvement. Moreover, the decentralized character of the university and its openness result in a range of independent and institutionalized boundary relationships that the university CEO cannot monitor, let alone control.

Of course our ethics in academe are not what we imagine them to have been in the past. Today, for better or worse, universities are *of* society, not apart from it.

Many of our ethical standards are hybrids, born of this union for survival. Our growing boundary relationships will involve us in ethical systems different from that at the core of the academic enterprise. The dilemma is that the society that expects us to share and promote its values, norms, and economic and political goals also expects us to be above reproach. The same newspapers and televisions stations that fan the flames of intercollegiate athletics as a growth industry will criticize us for ethical callousness as we pursue that industry.

Of ethical problems in boundary relationships for colleges and universities, intercollegiate athletics is only the most *exciting* example. There are others. Consider the range of potential conflicts of interest in sponsored research, faculty consulting arrangements, presidential and trustee service on corporate and bank boards, and so forth.

Additionally, higher education will face a growing number of ethical problems simply because of the steady march of science and technology. Some of them may be intensified by relationships with the larger society. Problems in computing were noted succinctly in a recent *Chronicle of Higher Education* article: "Key ethical questions include privacy of computer-stored information, effects of computerization on the distribution of power in society, liability for malfunctions in computer programs and the creation of malicious software such as computer viruses."

Academic medicine will face yet other problems. Last December a medical writer for the *Arizona Republic* speculated on the joint effects of two recent developments. The first is the invention of an abortion pill which, taken soon after the first missed period, can induce a miscarriage with relative safety. The second is the development of a new method for detecting genetic defects shortly after the fetus begins to grow. The writer speculates about the range of ethical decisions required in evaluating the different grounds for aborting a developing fetus. If it is ethical to abort a fetus that might develop severe brain damage, is it ethical to abort one that will be prone to alcoholism or Alzheimer's disease, or one that may be too short or too tall, or a boy when the parents desperately want a girl?

More recently, writers for the *Chicago Tribune* warned, "The growing ability to know which genes predispose a person to disease or contribute to intelligence and other skills and talents raises questions of invasion of privacy, and job and insurance discrimination against certain gene carriers."

These are the kinds of ethical problems academia—in tandem with the rest of society—will face. Solutions will emerge out of boundary relationships. The operative standards will not necessarily be purely academic.

But there are two sets of ethical problems we in academe cannot blame on society: how we govern our own affairs, and how our own incentives, rewards, and traditions inspire some unethical behavior. Perhaps in no other profession is there such excruciating peer pressure as in college teaching, nor such constant and critical scrutiny of the quality and quantity of one's work product. Small wonder that individual faculty on occasion are ethically flawed. Maybe we are lucky that there are not more examples of research fraud, plagiarism, and exploitation of graduate students.

While we cannot excuse such unethical behavior, we do need to examine its main cause. The problem is that we still employ a single model of excellence for colleges and universities and, consequently, a single standard for faculty productivity and worth. The model, of course, is that of the *major research university*. The system almost guarantees frustration and the constant erosion of morale among most faculty at all but the top-level research institutions, and even among some who are at such institutions but happen to be in academic disciplines that lack significant external funding opportunities. The failure to sustain optional models of excellence creates ethical pitfalls for frustrated and ambitious faculty members, but also in a broader sense makes it almost impossible for any institution to accept limitations on its own scope of activities. Competition and the quest for an ever more impressive reputation, coupled with the tenet that nothing should get in the way of the pursuit of truth, have led to the evolution of several research leviathans across the land. They have crossed the threshold of manageable scale into the realm of the insatiable fiscal appetite. Society cannot feed them enough money because their needs expand almost algorithmically. Do their precincts pose an ethical problem, especially in the face of an enormously dispersed responsibility among colleges and universities to develop and nurture human capital? That is a question we in higher education must confront.

Aside from the ethical traps involved in competition for professional recognition, there is another category of internal ethical concerns: the manner in which we conduct our academic politics. Last October Edward Fiske noted in the *New York Times* that "political infighting continues to be a major presence in American higher education." He quoted New Jersey's then Governor Kean as speculating that Woodrow Wilson left the presidency of Princeton University to run for governor because he was worn out by academic politics. Fiske added, "Like Wilson, people who have sampled academic and real-world politics tend to prefer the latter, partly because some civilizing restraints built into electoral politics are absent from its academic counterpart." He makes the point that academic politics is carried out with less *accountability* than its electoral counterpart, raising the question, To whom is the faculty accountable in academic politics?

In the Spring 1989 *Educational Record*, I published a small piece meant to be an interstitial memo in the emerging dialogue on ethics. I did so because I did not want the concern for ethical conduct of university governance to be overlooked. Some of the points made were: (1) the American academic culture lacks a set of ethical expectations governing the conduct of internal politics; (2) professionally academics pursue truth, but politically the university can be an incubator of destructive gossip and rumor, much of it inimical to the achievement of our goals and to the attraction of public confidence; (3) there is a special irony at public universities when the CEO stands in defense of academic freedom in order to prevent politicization of the campus while at the same time faculty dissidents solicit the intrusion of politics in the form of media or legislative punishment of administrators with whom they have a grievance; (4) an *ad hominem* style of campus politics poisons shared governance and inhibits rational dialogue; and (5) when the style of academic politics undermines institutional or system leadership, it weakens the university's ability to draw support from its environment. At the end of the article I asked two questions: (1) at what point does the internecine sport of our calling become unethical behavior? (2) who blows the whistle in order to protect the vulnerable CEO against unethical attacks?

As we try to cut our way through the particular tangle of ethical concerns mentioned here, we might

concede that the legal perspective would be the more appropriate one in approaching ethics in the university's boundary relationships and in its relations with society at large. At those points of interaction, pure academic standards may have to yield on occasion as long as there are *other* acceptable ethical standards. At the core of our internal concerns, however, in dealing with the academic program, faculty professional behavior, and the workings of university governance, we need to employ the more philosophical perspective, adhering to a body of absolutes that elevates our behavior.

Our first duty is to get the internal house in order. It is a moral imperative but also a practical matter of self-interest. In the contemporary political system, higher education is not a heavy player. We do not deliver either votes or money. Nor are we a significant player in directing the economy, in spite of our economic impact. My own university, for example, has an annual operating budget of $400 million and is the twentieth largest employer in Illinois. Yet we are not involved in shaping state economic policy. What little political leverage we have is not a result of our having or controlling any political resources. My point is that the attributes or resources that give higher education any influence in contemporary society are rather intangible: enlightenment, respectability and, of particular relevance to this discussion, *rectitude*. If we come to our relationships at the hundreds of points of contact with our rectitude intact and largely acknowledged, then it should be easier for us to provide moral leadership and to raise the ethical consciousness of others. But when our internal politics lack integrity and honor, and when we can be accused of succumbing to the temptations of the market place in the unending competition among our institutions, we relinquish our traditional pulpit and, with it, our moral leadership.

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*Sentence should read: Do their rejection of limits and the concentration of state and federal resources in their precincts pose an ethical problem, especially in the face of an enormously dispersed responsibility among colleges and universities to develop and nurture human capital?

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